

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

TIECO, INC.,)	
)	
Plaintiff,)	
)	
vs.)	CV 01-RRA-1372-S
)	
USX CORPORATION; ROBERT E.)	
HILTON; JAMES B WAGER,)	
)	
Defendants.)	

MEMORANDUM OPINION

This case comes before the court on defendants' Renewed Motions for Judgment on the Pleadings, (docs. 49, 51); defendants' Motions to Dismiss Plaintiff's Amended Complaint, (docs. 61, 63), and Motion to Join USX's Motion for Judgment on the Pleadings filed by Hilton and Wager, (doc. 50). Based on the court's *de novo* review, the submissions of the parties, and the relevant law, the court is of the opinion that defendants' Renewed Motions for Judgment on the Pleadings, (docs. 49, 51), are due to be denied as moot; defendants' Motions to Dismiss Plaintiff's Amended Complaint, (docs. 61, 63), and Motion to Join USX's Motion for Judgment on the Pleadings filed by Hilton and Wager, (doc. 50), are due to be granted.

The Magistrate Judge has recommended that all the Motions be granted and plaintiff's claims dismissed with prejudice. Plaintiff filed Objections. The Magistrate Judge's Recommendations are accepted in part.

The court notes that plaintiff filed an Amended Complaint, (doc. 58) after defendants

filed their Motions for Judgment on the Pleadings, (docs. 49, 51). The Amended Complaint rendered moot defendants' Motions for Judgment on the Pleadings. *Estate of Rodriquez v. Drummond Co., Inc.*, 256 F. Supp. 2d 1250, 1254 (N.D. Ala. 2003). Therefore, contrary to the Magistrate Judge's Recommendation, the Renewed Motions for Judgment on the Pleadings, will be denied as moot.

The court is of the opinion that the remainder of the Magistrate Judge's Report is due to be adopted and his Recommendation is due to be accepted. An Order granting defendants' Motions to Dismiss will be entered contemporaneously with this Memorandum Opinion.

DONE, this 30th day of September, 2008.

A handwritten signature in black ink that reads "Sharon Lovelace Blackburn". The signature is written in a cursive, flowing style.

SHARON LOVELACE BLACKBURN
UNITED STATES DISTRICT JUDGE